

1 BRIAN J. STRETCH (CABN 163973)  
2 United States Attorney  
3  
4 BARBARA J. VALLIERE (DCBN 439353)  
5 Chief, Criminal Division  
6  
7 WILLIAM J. EDELMAN (CABN 285177)  
8 Assistant United States Attorney

9  
10 450 Golden Gate Avenue, Box 36055  
11 San Francisco, California 94102-3495  
12 Telephone: (415) 436-7200  
13 Fax: (415) 436-7234  
14 E-mail: william.edelman@usdoj.gov

15 Attorneys for the United States of America

16  
17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19  
20 SAN FRANCISCO DIVISION

21 UNITED STATES OF AMERICA, ) NO. CR 16-105 VC  
22 Plaintiff )  
23 v. ) STIPULATIONS AND WAIVERS FOR BENCH  
24 STEPHEN PEELER, ) TRIAL  
25 Defendant. )  
26  
27  
28

29 The parties hereby submit the following joint waivers and stipulations for a bench trial, as well  
30 as joint proposed findings of fact and conclusions of law and a joint proposed scheduling order filed  
31 concurrently herewith.

32  
33 **I. WAIVER OF RIGHTS**

34 Defendant Peeler waives his right to testify and to call any witnesses on his own behalf, and he  
35 submits the matter for decision by the Court based on the factual stipulations below.

43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
7010  
7011  
7012  
7013  
7014  
7015  
7016  
7017  
7018  
7019  
7020  
7021  
7022  
7023  
7024  
7025  
7026  
7027  
7028  
7029  
7030  
7031  
7032  
7033  
7034  
7035  
7036  
7037  
7038  
7039  
7040  
7041  
7042  
7043  
7044  
7045  
7046  
7047  
7048  
7049  
7050  
7051  
7052  
7053  
7054  
7055  
7056  
7057  
7058  
7059  
7060  
7061  
7062  
7063  
7064  
7065  
7066  
7067  
7068  
7069  
7070  
7071  
7072  
7073  
7074  
7075  
7076  
7077  
7078  
7079  
7080  
7081  
7082  
7083  
7084  
7085  
7086  
7087  
7088  
7089  
7090  
7091  
7092  
7093  
7094  
7095  
7096  
7097  
7098  
7099  
70100  
70101  
70102  
70103  
70104  
70105  
70106  
70107  
70108  
70109  
70110  
70111  
70112  
70113  
70114  
70115  
70116  
70117  
70118  
70119  
70120  
70121  
70122  
70123  
70124  
70125  
70126  
70127  
70128  
70129  
70130  
70131  
70132  
70133  
70134  
70135  
70136  
70137  
70138  
70139  
70140  
70141  
70142  
70143  
70144  
70145  
70146  
70147  
70148  
70149  
70150  
70151  
70152  
70153  
70154  
70155  
70156  
70157  
70158  
70159  
70160  
70161  
70162  
70163  
70164  
70165  
70166  
70167  
70168  
70169  
70170  
70171  
70172  
70173  
70174  
70175  
70176  
70177  
70178  
70179  
70180  
70181  
70182  
70183  
70184  
70185  
70186  
70187  
70188  
70189  
70190  
70191  
70192  
70193  
70194  
70195  
70196  
70197  
70198  
70199  
70200  
70201  
70202  
70203  
70204  
70205  
70206  
70207  
70208  
70209  
70210  
70211  
70212  
70213  
70214  
70215  
70216  
70217  
70218  
70219  
70220  
70221  
70222  
70223  
70224  
70225  
70226  
70227  
70228  
70229  
70230  
70231  
70232  
70233  
70234  
70235  
70236  
70237  
70238  
70239  
70240  
70241  
70242  
70243  
70244  
70245  
70246  
70247  
70248  
70249  
70250  
70251  
70252  
70253  
70254  
70255  
70256  
70257  
70258  
70259  
70260  
70261  
70262  
70263  
70264  
70265  
70266  
70267  
70268  
70269  
70270  
70271  
70272  
70273  
70274  
70275  
70276  
70277  
70278  
70279  
70280  
70281  
70282  
70283  
70284  
70285  
70286  
70287  
70288  
70289  
70290  
70291  
70292  
70293  
70294  
70295  
70296  
70297  
70298  
70299  
70200  
70201  
70202  
70203  
70204  
70205  
70206  
70207  
70208  
70209  
70210  
70211  
70212  
70213  
70214  
70215  
70216  
70217  
70218  
70219  
70220  
70221  
70222  
70223  
70224  
70225  
70226  
70227  
70228  
70229  
70230  
70231  
70232  
70233  
70234  
70235  
70236  
70237  
70238  
70239  
70240  
70241  
70242  
70243  
70244  
70245  
70246  
70247  
70248  
70249  
70250  
70251  
70252  
70253  
70254  
70255  
70256  
70257  
70258  
70259  
70260  
70261  
70262  
70263  
70264  
70265  
70266  
70267  
70268  
70269  
70270  
70271  
70272  
70273  
70274  
70275  
70276  
70277  
70278  
70279  
70280  
70281  
70282  
70283  
70284  
70285  
70286  
70287  
70288  
70289  
70290  
70291  
70292  
70293  
70294  
70295  
70296  
70297  
70298  
70299  
70200  
70201  
70202  
70203  
70204  
70205  
70206  
70207  
70208  
70209  
70210  
70211  
70212  
70213  
70214  
70215  
70216  
70217  
70218  
70219  
70220  
70221  
70222  
70223  
70224  
70225  
70226  
70227  
70228  
70229  
70230  
70231  
70232  
70233  
70234  
70235  
70236  
70237  
70238  
70239  
70240  
70241  
70242  
70243  
70244  
70245  
70246  
70247  
70248  
70249  
70250  
70251  
70252  
70253  
70254  
70255  
70256  
70257  
70258  
70259  
70260  
70261  
70262  
70263  
70264  
70265  
70266  
70267  
70268  
70269  
70270  
70271  
70272  
70273  
70274  
70275  
70276  
70277  
70278  
70279  
70280  
70281  
70282  
70283  
70284  
70285  
70286  
70287  
70288  
70289  
70290  
70291  
70292  
70293  
70294  
70295  
70296  
70297  
70298  
70299  
70200  
70201  
70202  
70203  
70204  
70205  
70206  
70207  
70208  
70209  
70210  
70211  
70212  
70213  
70214  
70215  
70216  
70217  
70218  
70219  
70220  
70221  
70222  
70223  
70224  
70225  
70226  
70227  
70228  
70229  
70230  
70231  
70232  
70233  
70234  
70235  
70236  
70237  
70238  
70239  
70240  
70241  
70242  
70243  
70244  
70245  
70246  
70247  
70248  
70249  
70250  
70251  
70252  
70253  
70254  
70255  
70256  
70257  
70258  
70259  
70260  
70261  
70262  
70263  
70264  
70265  
70266  
70267  
70268  
70269  
70270  
70271  
70272  
70273  
70274  
70275  
70276  
70277  
70278  
70279  
70280  
70281  
70282  
70283  
70284  
70285  
70286  
70287  
70288  
70289  
70290  
70291  
70292  
70293  
70294  
70295  
70296  
70297  
70298  
70299  
70200  
70201  
70202  
70203  
70204  
70205  
70206  
70207  
70208  
70209  
70210  
70211  
70212  
70213  
70214  
70215  
70216  
70217  
70218  
70219  
70220  
70221  
70222  
70223  
70224  
70225  
70226  
70227  
70228  
70229  
70230  
70231  
70232  
70233  
70234  
70235  
70236  
70237  
70238  
70239  
70240  
70241  
70242  
70243  
70244  
70245  
70246  
70247  
70248  
70249  
70250  
70251  
70252  
70253  
70254  
70255  
70256  
70257  
70258  
70259  
70260  
70261  
70262  
70263  
70264  
70265  
70266  
70267  
70268  
70269  
70270  
70271  
70272  
70273  
70274  
70275  
70276  
70277  
70278  
70279  
70280  
70281  
70282  
70283  
70284  
70285  
70286  
70287  
70288  
70289  
70290  
70291  
70292  
70293  
70294  
70295  
70296  
70297  
70298  
70299  
70200  
70201  
70202  
70203  
70204  
70205  
70206  
70207  
70208  
70209  
70210  
70211  
70212  
70213  
70214  
70215  
70216  
70217  
70218  
70219  
70220  
70221  
70222  
70223  
70224  
70225  
70226  
70227  
70228  
70229  
70230  
70231  
70232  
70233  
70234  
70235  
70236  
70237  
70238  
70239  
70240  
70241  
70242  
70243  
70244  
70245  
70246  
70247  
70248  
70249  
70250  
70251  
70252  
70253  
70254  
70255  
70256  
70257  
70258  
70259  
70260  
70261  
70262  
70263  
70264  
70265  
70266  
70267  
70268  
70269  
70270  
70271  
70272  
70273  
70274  
70275  
70276  
70277  
70278  
70279  
70280  
70281  
70282  
70283  
70284  
70285  
70286  
70287  
70288  
70289  
70290  
70291  
70292  
70293  
70294  
70295  
70296  
70297  
70298  
70299  
70200  
70201  
70202  
70203  
70204  
70205  
70206  
70207  
70208  
70209  
70210  
70211  
70212  
70213  
70214  
70215  
70216  
70217  
70218  
70219  
70220  
70221  
70222  
70223  
70224  
70225  
70226  
70227  
70228  
70229  
70230  
70231  
70232  
70233  
70234  
70235  
70236  
70237  
70238  
70239  
70240  
70241  
70242  
70243  
70244  
70245  
70246  
70247  
70248  
70249  
70250  
70251  
70252  
70253  
70254  
70255  
70256  
70257  
70258  
70259  
70260  
70261  
70262  
70263  
70264  
70265  
70266  
70267  
70268  
70269  
70270  
70271  
70272  
70273  
70274  
70275  
70276  
70277  
70278  
70279  
70280  
70281  
70282  
70283  
70284  
70285  
70286  
70287  
70288  
70289  
70290  
70291  
70292  
70293  
70294  
70295  
70296  
70297  
70298  
70299  
70200  
70201  
70202  
70203  
70204  
70205  
70206  
70207  
70208  
70209  
70210  
70211  
70212  
70213  
70214  
70215  
70216  
70217  
70218  
70219  
70220  
70221  
70222  
70223  
70224  
70225  
70226  
70227  
70228  
70229  
70230  
70231  
70232  
70233  
70234  
70235  
70236  
70237  
70238  
70239  
70240  
70241  
70242  
70243  
70244  
70245  
70246  
70247  
70248  
70249  
70250  
70251  
70252  
70253  
70254  
70255  
70256  
70257  
70258  
70259  
70260  
70261  
70262  
70263  
70264  
70265  
70266  
70267  
70268  
70269  
70270  
70271  
70272  
70273  
70274  
70275  
70276  
70277  
70278  
70279  
70280  
70281  
70282  
70283  
70284  
70285  
70286  
70287  
70288  
70289  
70290  
70291  
70292  
70293  
70294  
70295  
70296  
70297  
70298  
70299  
70200  
70201  
70202  
70203  
70204  
70205  
70206  
70207  
70208  
7

1       **II. FACTUAL STIPULATIONS**

2       If called to testify at trial each of the witnesses named below would testify as follows:

3       Court Security Officer Martin Sacco: On February 29, 2016, at approximately 11:10 a.m., Court  
 4 Security Officer (CSO) Martin Sacco was on duty wearing a CSO uniform and working near the public  
 5 entrance to the building at 450 Golden Gate Avenue in San Francisco California when Defendant  
 6 approached him and asked where the FBI was located. CSO Sacco told Defendant it was on the 13th  
 7 Floor. Defendant left CSO Sacco's sight and CSO Sacco had no further interactions with him.

8       Court Security Officer Eugene Cunningham: On February 29, 2016, at about 11:11 a.m., CSO  
 9 Eugene Cunningham was on duty wearing a CSO uniform, which included a dark blue blazer with a  
 10 badge on the outer left breast pocket, a white shirt, and grey pants. As an on-duty CSO, Mr.  
 11 Cunningham had status as a Special Deputy U.S. Marshal pursuant to a special deputation issued by the  
 12 Chief of the U.S. Marshals Service in the Northern District of California. CSO Cunningham was  
 13 working the employee screening lane at the Golden Gate entrance to the federal building at 450 Golden  
 14 Gate Avenue in San Francisco. His job was to verify the official identification of people entering the  
 15 building through the employee lane.

16       While CSO Cunningham was standing at his post, Defendant Stephen Peeler walked up to him  
 17 and—without any provocation or warning—punched CSO Cunningham on the left side of his face using  
 18 a closed fist. CSO Cunningham did not know Defendant and had never interacted with him before  
 19 Defendant punched him. Defendant stood in place after punching CSO Cunningham, and did not say  
 20 anything or make additional aggressive movements. CSO Cunningham was momentarily dazed, but did  
 21 not fall down. CSO Cunningham recovered, took Mr. Peeler to the ground, and placed him under arrest  
 22 with the assistance of other nearby CSOs.

23       CSO Cunningham suffered pain to the left side of his face as well as redness and some minor  
 24 swelling as a result of the punch. He was treated on scene and released with an ice pack, though he was  
 25 unable to resume his duties that day as a result of the injury and went home early.

26       Federal Protective Service Inspector Roger Estrada: On February 29, 2016, at about 11:15 a.m.,  
 27 Inspector Roger Estrada was working as a uniformed federal law enforcement officer for the Federal  
 28 Protective Service when he was dispatched to investigate a fight at the Golden Gate entrance to the

1 federal building at 450 Golden Gate Avenue. When he arrived, he saw Defendant in handcuffs  
2 surrounded by CSOs. Inspector Estrada spoke to CSO Cunningham in addition to other CSOs who were  
3 working near CSO Cunningham when Defendant punched him. No other CSOs witnessed the punch—  
4 they only became involved after seeing a commotion and rushing over to help.

5 Inspector Estrada reviewed surveillance video footage of the incident. Because of the  
6 positioning and resolution of the cameras, the videos did not capture much detail about the incident.  
7 What was visible on the videos was consistent with CSO Cunningham's statement; he was standing  
8 working his post when a man approached and punched him. There was no audio associated with the  
9 videos.

10 Inspector Estrada then interviewed Defendant, who agreed to make a statement. Defendant  
11 stated that he came to the federal building because he wanted to speak to an FBI agent regarding  
12 Defendant's concerns about terrorism. He stood in a long line and eventually asked a CSO how long the  
13 line would take. The CSO advised Defendant that he needed valid identification to enter the building.  
14 This upset him and he walked out of the building. He did not want to hit anyone, but he determined that  
15 doing so was the best course of action to get inside and speak with an FBI representative. He did not  
16 want to assault a female or elderly guard, so he selected CSO Cunningham because Cunningham looked  
17 like he could "take a hit." He approached Cunningham and punched him as hard as he could on the jaw.  
18 He did not want to hurt Cunningham and selected the jaw rather than the check because Cunningham  
19 "appeared to have a strong jaw." He was sorry for the incident and hoped that Cunningham recovered  
20 quickly.

21 Dr. John Shields: Dr. John Shields is an expert in forensic psychology with the qualifications set  
22 forth in Exhibit A to this filing. He was hired by Defendant to conduct a psychological examination of  
23 Defendant in connection with this case, including on the issue of whether Defendant was insane at the  
24 time he assaulted CSO Cunningham. Dr. Shields' conclusions, and the bases and reasoning supporting  
25 those conclusions, are set forth in Exhibit B to this filing. In Dr. Shields' expert opinion, at the time of  
26 the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease,  
27 was unable to appreciate the wrongfulness of his acts.

28

1        Dr. Anna Glezer: Dr. Anna Glezer is an expert in forensic psychiatry with the qualifications set  
2 forth in Exhibit C to this filing. The government retained her to conduct a psychiatric examination of  
3 Defendant in connection with this case on the issue of whether Defendant was insane at the time he  
4 assaulted CSO Cunningham. Dr. Glezer's conclusions, and the bases and reasoning supporting those  
5 conclusions, are set forth in Exhibit D to this filing. In Dr. Glezer's expert opinion, at the time of the  
6 commission of the acts constituting the offense, the defendant, as a result of a severe mental disease, was  
7 unable to appreciate the wrongfulness of his acts.

8 IT IS SO STIPULATED.

BRIAN J. STRETCH  
United States Attorney

11 | Dated: October 7, 2016

/s/ William J. Edelman  
WILLIAM EDELMAN  
Assistant United States Attorney

Dated: 10-25-16

STEPHEN PEELER  
Defendant

Dated: October 7, 2016

/s/ George C. Harris  
GEORGE C. HARRIS  
Attorney for Mr. Peeler